

7. Trial file

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
DEPARTMENT
C.A. NO. 33172

* * * * *

THOMAS C. McMAHON, as he is Director
of the Division of Water Pollution
Control, and FRANCIS X. BELLOTTI, as
he is the Attorney General of the
Commonwealth of Massachusetts,

Plaintiffs,

v.

JAMES-RIVER-MASSACHUSETTS, INC.,

Defendant.

* * * * *

JUDGMENT

This matter came on to be further heard and, with the consent of all parties, upon consideration thereof it is ORDERED and ADJUDGED as follows:

1. James-River-Massachusetts, Inc. (hereafter "the defendant") shall not cause unauthorized discharges to occur from its sludge lagoons to the waters of the Commonwealth of Massachusetts.
2. Effective immediately, the defendant shall take reasonable steps to prevent erosion of the existing sludge piles.
3. On or before July 1, 1979, the defendant shall submit to the Division of Water Pollution Control (hereafter "DWPC"), Department of Environmental Quality Engineering (hereafter "DEQE") and the United States Environmental Protection Agency (hereafter ("EPA")) an engineering report on the following:

- (a) the volume of the existing sludge lagoons;
- (b) the volume and characteristics (suspended solids, volatile solids, percent solids, BOD₅, BOD₂₀, pH) of the clarifier underflow sent to the lagoons;
- (c) the estimated time duration the lagoons can be utilized before supernate must be disposed of; and
- (d) an investigation of potential effects of sludge lagoon leachate on groundwater, especially relating to local iron deposits.

4. On or before July 1, 1979, the defendant shall submit a plan for approval by the DWPC and DEQE and review by the EPA setting forth proposals for the disposal of supernate and sludge generated by the defendant in the future and for the control of leachates from the existing sludge piles which would adversely affect the waters of the Commonwealth. Said plan shall include a schedule for the implementation of the recommended actions within a reasonable time and shall be prepared by a Massachusetts registered professional engineer.

5. The date of July 1, 1979, set forth in sections 3 and 4 above may be extended by agreement of the parties, or by the Court for good cause.

6. DWPC and DEQE shall either approve or disapprove the plans and reports referred to in sections 3 and 4 above within forty-five (45) days of the submission thereof by the defendant, and in the event of a disapproval, such disapproval shall be accompanied by written reasons for such disapproval.

7. Within seven (7) days following entry of this Judgment, the defendant shall pay to the Commonwealth of Massachusetts a

civil penalty in the amount of Ninety-seven Thousand (97,000) Dollars.

8. Except as specifically provided in sections 2 and 4 above, the defendant shall not be responsible in any way for the consequences to any wetlands or waters of the Commonwealth (including the unnamed brook described in the Complaint, Sawmill Pond and the adjacent swamps) resulting from discharges thereto which might have occurred prior to the date of entry of this Judgment.

9. This Judgment satisfies all claims by the Commonwealth of Massachusetts arising under the statutes set forth in the Complaint.

ENTERED: January 24, 1979.

(, J.)

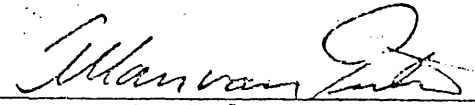
Assistant Clerk

The foregoing Judgment is hereby assented to, waiving all rights of objection or appeal.

THOMAS C. McMAHON, DIRECTOR OF
THE DIVISION OF WATER POLLUTION
CONTROL and FRANCIS X. BELLOTTI,
ATTORNEY GENERAL OF THE COMMON-
WEALTH OF MASSACHUSETTS

JAMES-RIVER-MASSACHUSETTS, INC.

By its attorneys,



Allan van Gestel
Joseph W. Haley
GOODWIN, PROCTER & HOAR
28 State Street
Boston, Massachusetts 02109
(617) 523-5700

By:

Charles Corkin II, Chief
Environmental Protection
Division
Public Protection Bureau

Francis S. Wright
Assistant Attorney General
Environmental Protection
Division
Public Protection Bureau
One Ashburton Place, 19th Fl.
Boston, Massachusetts 02108
(617) 727-2265

OF COUNSEL:

William L. Taylor
McGuire, Woods & Battle
1400 Ross Building
Richmond, Virginia 23219
(804) 644-4131

The United States Environmental Protection Agency agrees to the terms of this Judgment and further agrees not to bring any actions against the defendant under the Federal Clean Waters Act which might have arisen prior to this date.

Arlene S. LaPenta
John F. Kennedy Federal Building
Boston, Massachusetts